

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

ROBERT ALAN THOMAS,
dba Amateur Action, Amateur Action BBS, and AABBS

INDICTMENT

COUNTS ONE, TWO, AND THREE: Title 18 United States Code, Sections 1461 - Mailing Obscene Matter.

COUNT FOUR: Title 18, United States Code, Section 1466 -Engaging in Business of Selling or Transferring Obscene Matter

COUNT FIVE: Title 18, United States Code, Sections 1467(a)(1) & (a)(2) & (a)(3) - Criminal Forfeiture

A true bill.

R. Morrison Wiles

Foreperson

10
JF
File
Filed in open court this 23 day of July

A.D. 2008

UNITED STATES MAGISTRATE JUDGE

Bail. \$ 11 bail arrest warrant

1 BRENT D. WARD
 2 Director, Obscenity Prosecution Task Force
 3 U.S. Department of Justice

FILED

2008 JUL 24 2 8:13

4 RICHARD W. WIEKING
 5 CLERK
 6 U.S. DISTRICT COURT
 7 NO. DIST. OF CA. S.J.

JF
 HRL

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

CR -08 00487

12 Plaintiff,
 13 v.
 14 ROBERT ALAN THOMAS,
 15 dba Amateur Action, Amateur Action
 BBS, and AABBS,
 16 Defendant.

) VIOLATIONS: 18 U.S.C. § 1461 – Mailing
 Obscene Matter; 18 U.S.C. §1466–Engaging
 in the Business of Selling or Transferring
 Obscene Matter; 18 U.S.C. §§ 1467(a)(1) &
 (a)(2) &(a)(3) – Criminal Forfeiture

17) SAN JOSE VENUE

18
 19 INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (18 U.S.C. § 1461 – Mailing Obscene Matter)

22 On or about December 12, 2006, in the Northern District of California, the defendant,

23 ROBERT ALAN THOMAS,
 24 dba Amateur Action, Amateur Action BBS, and AABBS,

25 did knowingly use, and cause to be used, the United States mails to mail and deliver to a location
 26 in Washington, D.C., a DVD containing obscene matter, that is, a motion-picture film identified
 27 as “B1,” depicting bestiality and other sexually explicit content and approximately 52 minutes
 28 and 49 seconds in length, in violation of Title 18 United States Code, Section 1461.

INDICTMENT

1 COUNT TWO: (18 U.S.C. § 1461 – Mailing Obscene Matter)

2 On or about December 12, 2006, in the Northern District of California, the defendant,

3 ROBERT ALAN THOMAS,
4 dba Amateur Action, Amateur Action BBS, and AABBS,5 did knowingly use, and cause to be used, the United States mails to mail and deliver to a location
6 in Washington, D.C., a DVD containing obscene matter, that is, a motion-picture film identified
7 as “B2- Ride a Horse,” depicting bestiality and approximately 41 minutes and 31 seconds in
8 length, in violation of Title 18 United States Code, Section 1461.9
10 COUNT THREE: (18 U.S.C. § 1461 – Mailing Obscene Matter)

11 On or about December 12, 2006, in the Northern District of California, the defendant,

12 ROBERT ALAN THOMAS,
13 dba Amateur Action, Amateur Action BBS, and AABBS,14 did knowingly use, and cause to be used, the United States mails to mail and deliver to a location
15 in Washington, D.C., a DVD containing obscene matter, that is, a motion-picture film identified
16 as “B3,” depicting bestiality and approximately 41 minutes and 35 seconds in length, in violation
17 of Title 18 United States Code, Section 1461.18
19 COUNT FOUR: (18 U.S.C. § 1466 - Engaging in the Business of Selling or Transferring
Obscene Matter)

20 On or about December 12, 2006, in the Northern District of California, the Defendant,

21 ROBERT ALAN THOMAS,
22 dba Amateur Action, Amateur Action BBS, and AABBS,23 while engaged in the business of selling and transferring obscene matter, did knowingly possess
24 with the intent to distribute obscene matter, that is, movie titles “B1,” “B2-Ride a Horse,” and
25 “B3,” which materials had been shipped and transferred in interstate commerce, in violation of
26 Title 18, United States Code, section 1466.

27 //

1 **FORFEITURE ALLEGATION:** (18 U.S.C. §§ 1467(a)(1) & (a)(2) &(a)(3) – Criminal
2 Forfeiture)

3 The allegations contained in Counts One through Four of this Indictment are hereby
4 realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
5 pursuant to Title 18, United States Code, Section 1467.

6 Upon conviction of the offenses alleged in Counts One through Four above, or any of
7 them, the defendant,

8 ROBERT ALAN THOMAS,
9 dba Amateur Action, Amateur Action BBS, and AABBS,

10 (1) shall forfeit to the United States, pursuant to Title 18, United States Code, Sections
11 1467, any and all right, title and interest he has in any obscene material produced, transported,
12 mailed, shipped or received in violation of this chapter; any property, real or personal,
13 constituting or traceable to gross profits or other proceeds obtained from such offense; and any
14 property, real or personal, used or intended to be used to commit or to promote the commission
15 of such offense, including but not limited to the following parcel of real property: real property
16 and improvements located at 475 Tramway Drive, Milpitas, California 95035, further identified
17 with APN 028-15-038.

18 (2) If any of the property described above, as a result of any act or omission of the
19 defendant:

20 a. cannot be located upon the exercise of due diligence;
21 b. has been transferred or sold to, or deposited with, a third party;
22 c. has been substantially diminished in value; or
23 d. has been placed beyond the jurisdiction of the court;
24 e. has been commingled with other property which cannot be divided without
25 difficulty,

26 //

27 //

28 //

1 the United States of America shall be entitled to forfeiture or substitute property under the
2 provisions of Title 21, U.S.C., Section 853 (p), as incorporated by Title 18 U.S.C., Section 1467.

3 DATED: 7/23/08

4 A TRUE BILL

5 
6 FOREPERSON

7 BRENT WARD
8 Director, Obscenity Prosecution Task Force
U.S. Department of Justice

9 
10 MATTHEW J. BUZZELLI
11 Trial Lawyer, Obscenity Prosecution Task Force

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

